

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.2807 (Log #AQ179).

The proposed rule amends the lead-based paint activities accreditation requirements as follows: change the date to November 30, 1998, for individuals to begin taking the state examination for accreditation purposes; remove high school diploma (or equivalent) from education requirements for individuals seeking accreditation as lead supervisors and add relevant work experience requirement; change EPA-model-curriculum course to EPA-authorized state accredited training program; allow documentation by applicants of relevant work experience and refresher training to receive accreditations under the "grandfathering" provisions; and extend accreditation based on prior training to November 30, 1998. This proposed rule revises the education and experience requirements under the "grandfather" provisions for persons performing lead abatement activities to make it easier to receive accreditation. The demand for an accredited work force exceeds the supply, such that necessary lead abatement is not being done. This would delay lead abatement activities that will reduce exposure to lead hazards. The basis and rationale for this proposed rule are to prevent exposure to lead-based paint by having individuals properly trained and use proper work practice standards. The rule will increase the number of individuals available to perform lead-based paint abatement.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on September 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ179. Such comments must be received no later than October 1, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ179.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen, PE  
Assistant Secretary

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 28. Lead-based Paint Activities - Recognition, Accreditation, Licensure, and Standards for Conducting Lead-based Paint Activities**

**§2807. Accreditation of Individuals**

\* \* \*

**[See Prior Text in A-A.3]**

4. After ~~September~~November 30, 1998, individuals seeking accreditation in the lead inspector, risk assessor, lead project supervisor, or lead project designer disciplines must pass the applicable state examination given by the department or its proxy. Individuals must pass the state examination, with a score of 70 or above, within 30 days of receiving a course completion certificate. Individuals who fail the state exam will be allowed to take the exam a second time within the 30-day period. Individuals who fail the state examination twice must retake the initial course before they will be allowed to retake the state examination. Anyone who fails the test three times within a 6-month period may not apply for testing in that category for 90 days.

\* \* \*

**[See Prior Text in A.5-B.1.c.ii.(e)]**

iii. lead project supervisor: ~~a high school diploma (or equivalent) and either one year of experience as an accredited lead-based paint worker or~~ at least two years of experience in lead, asbestos, or environmental remediation work or in the building trades;

\* \* \*

**[See Prior Text in B.1.c.iv-C]**

1. Individuals in all disciplines who received training in a lead-based paint activity ~~activities training~~ between January 1, 1995, and March 20, 1998, shall be eligible for accreditation by completing the following procedures:

\* \* \*

**[See Prior Text in C.1.a]**

b. submit the appropriate certificate from an EPA ~~model curriculum~~ course authorized state accredited training program; or

- c. submit documentation to demonstrate the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity, and submit evidence of completion of an approved refresher training course for the appropriate discipline;
- d. submit a 1" x 1 1/4" photograph of the applicant;
- de. meet the education and/or experience requirements listed in Subsection B of this Section; and
- ef. submit the appropriate fees as required under LAC 33:III.223.

2. Individuals have until ~~September~~November 30, 1998, to apply for accreditation under the procedures in Subsection C.1 of this Section. After that date all individuals wishing to obtain accreditation must do so through the procedures described in Subsection A of this Section.

\* \* \*

**[See Prior Text in D-D.4]**

5. Any applicant who was accredited initially in accordance with Subsection C of this Section or prior to ~~September~~November 30, 1998, must pass the appropriate state examination prior to being reaccredited by the department.

\* \* \*

**[See Prior Text in D.6-E.2]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR \*\*\*\*\*

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES** LOG #: AQ 179

Person  
Preparing  
Statement:  
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Return  
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Dept.: Environmental Quality  
Office: Air Quality and Radiation Protection  
Rule  
Title: Lead-based Paint Activities  
LAC 33:III.2807  
Date Rule  
Takes Effect: upon promulgation

**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

These revisions have no significant costs or savings to state or local governments.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

These revisions will have no significant effects on revenue collections of state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

These revisions will benefit individuals seeking accreditation by the Department under the “grandfather” provisions by allowing them to become accredited based on prior lead-based paint activities experience.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

These revisions will have no effect on competition. These revisions will allow individuals to be accredited and employed to perform lead abatement activities that would not otherwise be qualified.

\_\_\_\_\_  
Signature of Agency Head or Designee

H. Gordon Monk  
\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Gustave Von Bodungen, P.E., Assistant Secretary  
Typed Name and Title of Agency Head or Designee

7/15/98  
Date of Signature

8/5/98  
Date of Signature

LFO 10/05/92

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The Office of Air Quality proposes to amend LAC 33:III.Chapter 28 as follows:

- (1) Change the date from September 30, 1998, to November 30, 1998, for individuals to begin taking the state examination.
- (2) Remove high school diploma (or equivalent) from education requirements for individuals seeking accreditation as lead supervisors, and add relevant work experience requirement.
- (3) Change EPA-model-curriculum course to EPA-authorized state accredited training program.
- (4) Allow documentation by applicants of relevant work experience and refresher training to receive accreditations under the “grandfathering” provisions.
- (5) Extend accreditation based on prior training from September 30, 1998, to November 30, 1998.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The Department is revising the education and experience requirements under the “grandfather” provisions for persons performing lead abatement activities to make it easier to receive accreditation. The demand for an accredited work force exceeds the supply, such that necessary lead abatement is not being done. This would delay lead abatement activities that will reduce exposure to lead hazards.

- C. Compliance with Act II of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

These revisions will produce no increase in expenditures of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

# FISCAL AND ECONOMIC IMPACT STATEMENT

## WORKSHEET

### I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

- What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated increase or decrease in costs to implement the proposed action.

COSTS	FY 98-99	FY 99-00	FY 00-01
PERSONAL SERVICES	0.00	0.00	0.00
OPERATING EXPENSES	0.00	0.00	0.00
PROFESSIONAL SERVICES	0.00	0.00	0.00
OTHER CHARGES	0.00	0.00	0.00
EQUIPMENT	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00
MAJOR REPAIR & CONSTR	0.00	0.00	0.00
POSITIONS(#)	0.00	0.00	0.00

- Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This section is not applicable.

- Sources of funding for implementing the proposed rule or rule change.  
No additional funding is required to implement this rule change.

SOURCE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND	0.00	0.00	0.00
AGENCY SELF-GENERATED	0.00	0.00	0.00
DEDICATED	0.00	0.00	0.00
FEDERAL FUNDS	0.00	0.00	0.00
OTHER (Specify)	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00

- Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency currently has sufficient funds to implement the proposed rule change.

### B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

- Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

These revisions will have no impact on local governments.

- Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

For this revision no funding of local governmental units is needed.

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**WORKSHEET**

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?  
No increase or decrease in revenues is anticipated from the proposed action.

REVENUE INCREASE/DECREASE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND	0.00	0.00	0.00
AGENCY SELF-GENERATED	0.00	0.00	0.00
RESTRICTED FUNDS*	0.00	0.00	0.00
FEDERAL FUNDS	0.00	0.00	0.00
LOCAL FUNDS	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.  
Not applicable

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The revisions will benefit individuals seeking accreditation by the Department. The “grandfathering” period will be extended by two months and certain educational and experience requirements will be revised to allow for recognition of relevant lead-based paint activities experience.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

These revisions will have no significant impact on receipts and/or income.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed revision will have no impact on competition. The revision will increase the number of people employable as lead supervisors and workers. Extending the dates of “grandfathering” and third-party testing will allow more individuals having relevant work experience the opportunity to be accredited.